Γο: Chief, Mass Media Bureau
 Policy and Rules Division
 Allocations Branch

#### PETITION FOR RULE MAKING

Atlantic Broadcasting Co., Inc. ("Atlantic"), licensee of WWSK(FM), Mullins, South Carolina, by its attorneys, and pursuant to Section 1.420(i) of the Commission's Rules, hereby respectfully requests the Commission to amend Section 73.202(b) of the Rules to (a) delete Channel 296C2 from Mullins, South Carolina; (b) add Channel 296C2 to Little River, South Carolina; and (c) modify the license for WWSK to specify "Little River, South Carolina" as the Station's community of license. In support whereof, the following is shown:

#### **Background**

1. WWSK operates on Channel 296C2 at Mullins, South Carolina.

Atlantic requests the Commission to delete Channel 296C2 from Mullins and to reallot it to Little River, South Carolina, with a concurrent modification of the license of WWSK to operate on Channel 296C2 at Little River. This change is permissible under Section 1.420(i) of the Rules, which authorizes the Commission

No. of Copies rec'd

to modify the license or permit of an FM station to specify a new community of license where the amended allotment would be mutually exclusive with the licensee's present allotment.

2. Two factors must be demonstrated in order to change a station's city of license in a rule making proceeding: (1) the channel changes must be mutually exclusive, and (2) the rule making must not deprive a community of an existing service representing its only local transmission service. The Commission stated that in making the determination of whether to amend the Table of Assignments it would "take into account the totality of the service improvements resulting from a proposed change in community of license in determining whether an allotment proposal should be approved." See, Modification of FM and TV Authorizations (New Community of License), 4 FCC Rcd 4870 [66 RR 2d 877] (1989).

Atlantic's proposal is consistent with the rules and Commission policies, i.e., the channel changes are mutually exclusive, and the rule making will not deprive Mullins of its only local transmission service.

#### **Expression of Continuing Interest**

- 3. If the Commission allots Channel 296C2 to Little River, Atlantic will promptly file an application for minor change construction permit or new license, as directed by the Commission to operate WWSK at Little River, and upon grant, will promptly make whatever changes are necessary to implement this change.
- 4. Exhibit 1 is a Technical Exhibit, which is incorporated herein by reference, that provides the Commission with technical information about the proposed Mullins/Little River channel exchange.

#### Mullins, South Carolina

Exhibit 1 shows that Mullins, South Carolina, had a 1990 population of 5,910. Mullins has two commercial broadcast stations, WJAY(AM) and WWSK(FM). Reallotment of Channel 296C2 to Little River will not deprive Mullins of its only local transmission service since WJAY(AM) will continue to provide service to that community.

#### Little River, South Carolina

5. Little River is listed by the U.S. Census as a Census Designated Place with a 1990 population of 3,470. (See Exhibit 1 at p. 1.) Little River is an active growing community which would be well served by its own local station. Attached hereto as Exhibit 2 is a letter from Ms. Cathy Altman, Executive Director of the Littler River Chamber of Commerce, wherein she states that Little River "would be serviced well with a broadcast signal," that Atlantic is a well respected company in the area and its efforts to bring an FM station to Little River will be supported by the Chamber of Commerce. Little River is a community with its own post office, ZIP code (29566), Chamber of Commerce, Lion's Club, volunteer fire department, ambulance service, water and sewer company, and community volunteer emergency medical service. Attached hereto as Exhibit 3 are copies of local phone and ZIP code directories which include listings for Little River. Little River has numerous commercial businesses such as: dry cleaner, chiropractic clinic, eye care clinic, veterinary clinic, an inn and golf resort, bowling alley, real

estate brokerage and a Methodist church. Many of these entities have the name "Little River" in their title. In her letter (at Exhibit 2), Ms. Altman of the Chamber of Commerce explains that, while Little River is not incorporated, plans are underway to incorporate. Little River has identifiable boundaries as evidenced by the boundary map, copy of which is attached hereto as Exhibit 4, which was supplied by the Chamber of Commerce. Therefore, Little River possesses the requisite "social, economic and cultural components that are commonly associated with community status." See, FM Table of Allotments (East Hemet, CA), 67 RR 2d 146, 147 (1989). WWSK would bring first local service to Little River, since Little River currently does not have a local station assigned to it. Little River is not located in an Urbanized Area.

#### **Public Interest Considerations**

6. The allocation coordinates specified in this proposal are the downtown reference coordinates for Little River, South Carolina: North Latitude 33° 52' 42" and West Longitude 78° 36' 36". As demonstrated in Exhibit 1, the allocation coordinates specified will meet all spacing requirements to existing or proposed facilities as required by §73.207 of the Commission's rules. Atlantic does not intend to relocate the transmitter site of WWSK. While the traditional prediction methods provided in the Commission's Rules (§73.331347 and §73.333) do not show that the WWSK transmitter site will provide full city grade coverage to Little River, alternative prediction methods, as specified in §73.315, demonstrate

required community coverage<sup>1</sup>.

- 7. In an application (File No. BMPH-950103IA, as amended) for "one-step" upgrade to modify the license of WWSK (formerly WCIG), Atlantic previously employed this methodology to establish the present transmitter site for the station. A copy of the pertinent portion of the modification application is attached as Exhibit 5 hereto. That application was granted on April 5, 1995. The showing contained in the modification application demonstrates that WWSK provides principal community coverage to Little River and that no site relocation will be required to implement the change proposed herein. Since no site relocation is anticipated, there will be no loss of service to any area and service to Mullins will not be reduced. Because Mullins will continue to receive local service from WJAY(AM), Atlantic's proposal will not deprive Mullins of its only local transmission service.
- 8. The Commission's priorities for assigning FM allotments are set out in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 [51 RR 2d 807] (1982). They are: (1) first aural service, (2) second aural service, (3) first local service, and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). Here, first local service to Little River is preferred to second local service to Mullins. Thus, there would a preferential arrangement of

<sup>&</sup>lt;sup>1</sup> The Technical Exhibit (Exhibit 1) shows there are numerous tower sites in the WWSK "usable area" where a tower site could be located in order to place a full city-grade contour over Little River using the traditional prediction method of contour prediction.

allotments resulting from the allotment of Channel 296C2 to Little River.

WHEREFORE, Atlantic respectfully requests the Commission to amend Section 73.202(b) of the Commission's Rules, as follows:

#### South Carolina

	Present	Proposed
Mullins	296C2	2
Little River		296C2

#### Conclusion

Atlantic requests the Commission to (a) delete Channel 296C2 from Mullins, South Carolina, (b) allot Channel 296C2 to Little River, South Carolina, and (c) modify the license of WWSK to operate on FM Channel 296C2 at Little River, South Carolina. As stated <a href="mailto:supra">supra</a>, if the FCC modifies the license of WWSK to operate on Channel 296C2 at Little River, Atlantic will timely file an application for minor change construction permit or new license as directed by the Commission to operate WWSK at Little River, and upon grant thereof, Atlantic will make whatever changes are necessary to implement this change.

<sup>&</sup>lt;sup>2</sup> Mullins would continue to receive service from WJAY(AM).

Respectfully submitted,

ATLANTIC BROADCASTING CO., INC.

By:

Gary S. Smithwick Shaun A. Maher Its Attorneys

#### SMITHWICK & BELENDIUK, P.C.

1990 M Street, N.W. Suite 510 Washington, D.C. 20036 (202) 785-2800

October 6, 1995

WWSK/DLF/PETITION.RM

#### **EXHIBIT 1**

#### GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

PROPOSED RULE MAKING
ATLANTIC BROADCASTING COMPANY
WWSK FM RADIO STATION
296C2 - 107.1 MHZ
from: MULLINS, SOUTH CAROLINA
to: LITTLE RIVER, SOUTH CAROLINA
September 1995

**TECHNICAL EXHIBIT** 

Copyright 1995

PROPOSED RULE MAKING
ATLANTIC BROADCASTING COMPANY
WWSK FM RADIO STATION
296C2 - 107.1 MHZ

from: MULLINS, SOUTH CAROLINA to: LITTLE RIVER, SOUTH CAROLINA September 1995

This Technical Exhibit is prepared on behalf of Atlantic Broadcasting Company

("Atlantic"), licensee of FM Radio Station WWSK, Mullins, South Carolina. Atlantic proposes
to change the city of license for WWSK from Mullins to Little River, South Carolina.

Little River presently does not have a locally licensed facility and is listed in the U.S. Census as a Census Designated Place ("CDP") in Horry County with a 1990 population of 3,470 persons. Little River is not located within an Urbanized area. The allotment of Channel 296C2 to Little River is mutually exclusive with Channel 296C2 at Mullins, South Carolina.

Mullins, South Carolina, is an incorporated community in Marion County with a 1990 population of 5,910 persons. Mullins will continue to receive full-time commercial radio service from AM station WJAY. WJAY operates on 1280 kHz, full-time, non-directional with 4.2 kilowatts day and .27 kilowatts night.

In keeping with FCC policy, the allocation coordinates specified in this proposal are the downtown reference coordinates for Little River, South Carolina, North Latitude 33° 52' 42" and West Longitude 78° 36' 36". Exhibit #1 of this proposal is a computer printout demonstrating

Former licensee of WWSK was "The Mullins and Marion Broadcasting Company".

1)

the allocation coordinates specified meet all spacing requirements to existing or proposed facilities as required §73.207 of the Commission's rules. Little River would receive city grade service (70 dBu/3.16 mV/m) from a facility constructed at the above noted reference coordinates.

There is an abundance of land area available which would provide the requisite 3.16 mV/m city grade service to Little River. There are numerous tower structures in this "usable area" including the authorized transmitter site for WNMB, North Myrtle Beach, South Carolina, at North Latitude 33° 52' 42", West Longitude 78° 36' 36". Exhibit #2 is a computer printout verifying allocation clearance from the WNMB tower site. Exhibit #3 is a map which details the allocation limitations to Channel 296C2 to Little River and identifies both the Little River reference coordinates and the WNMB tower site.

It is noted that Atlantic has no plans to actually re-locate the operating WWSK facility although this site, under normal FCC prediction methods, does not fully provide city grade service to Little River. In the anticipated application to implement this proposal, Atlantic will utilize alternate prediction methods as specified in \$73.315 to demonstrate required city coverage.<sup>2</sup> Since no actual site relocation is anticipated there will, in reality, be no loss of service to any area and service to Mullins will not be reduced. Little River, South Carolina, is a community with its own post office, zip code, Chamber of Commerce, volunteer fire department, ambulance service and community volunteer emergency medical service, among other services.

<sup>2)</sup> Atlantic has already used this methodology when establishing their present site. In fact the showing already on file at the FCC (BPH-950103IA as amended) demonstrates that no site relocation will actually be required. See Exhibit #5 for reference.

The allotment of Channel 296C2 will be the first locally licensed aural service and will be in the public interest. The allotment may be made without depriving Mullins, South Carolina, of licensed full-time aural service.

Exhibit #4 is a computerized printout of the allocation constraints for WWSK on Channel 296C2 from the present WWSK transmitter site. WWSK presently meets all allocation constraints at the operating location.

This Technical Exhibit was prepared on behalf of Atlantic Broadcasting Company by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. Should questions arise during consideration of these comments, we would welcome the opportunity to discuss the matter by phone at 912-638-8028. All data relating to authorized, applied for or proposed facilities was extracted from the NTIA database. We assume no liability for omissions or errors in that database.

## PROPOSED RULE MAKING ATLANTIC BROADCASTING COMPANY WWSK FM RADIO STATION 296C2 - 107.1 MHZ

#### from: MULLINS, SOUTH CAROLINA to: LITTLE RIVER, SOUTH CAROLINA September 1995

#### EXHIBIT #1

#### Allocation Site Clearance From The Downtown Little River Reference Coordinates

REFERENCE 33 52 42 N 78 36 36 W	CLASS C2 Current rules spacings CHANNEL 296 -107.1 MHz							
CALL CH# CITY TYPE LAT LI	NG PWR	HT D-Mi	R-Mi	(KM)				
WWSK.C 296C2 Mullins CP CN 33 56 14 78	s SC	281.4 33.45 150M 20.8	190.0 118.1	-156.55 *				
>One-Step Application								
WSFM 298C2 Southpo LI CN 34 03 02 7 Sea-Comm, Ind	ort NC 7 57 20 32.000 kW	72.2 63.43 181M 39.4 BLH8904	58.0 36.0 19KC	5.43				
WLGX.C 294A Carolin CP ZCN 34 03 02 77 Kenneth R. No	na Beach NC	72.2 63.43 104M 39.4	55.0 34.2					
WSYN 293C2 George LI CN 33 26 20 79 Sunny Broadca >FROM CHANNEL 292 PR	9 08 11 50.000 kw asters, Inc.	150M 42.9 BLH8807	36.0 26KA	10.99				
WCLNFM 297C3 Clinton LI CN 35 02 14 78 Christian Lis		138M 80.2	72.7					
WIOZFM 295C2 Souther LI CN 35 09 04 79 Muirfield Bro		150M 100.8	80.8	32.12				

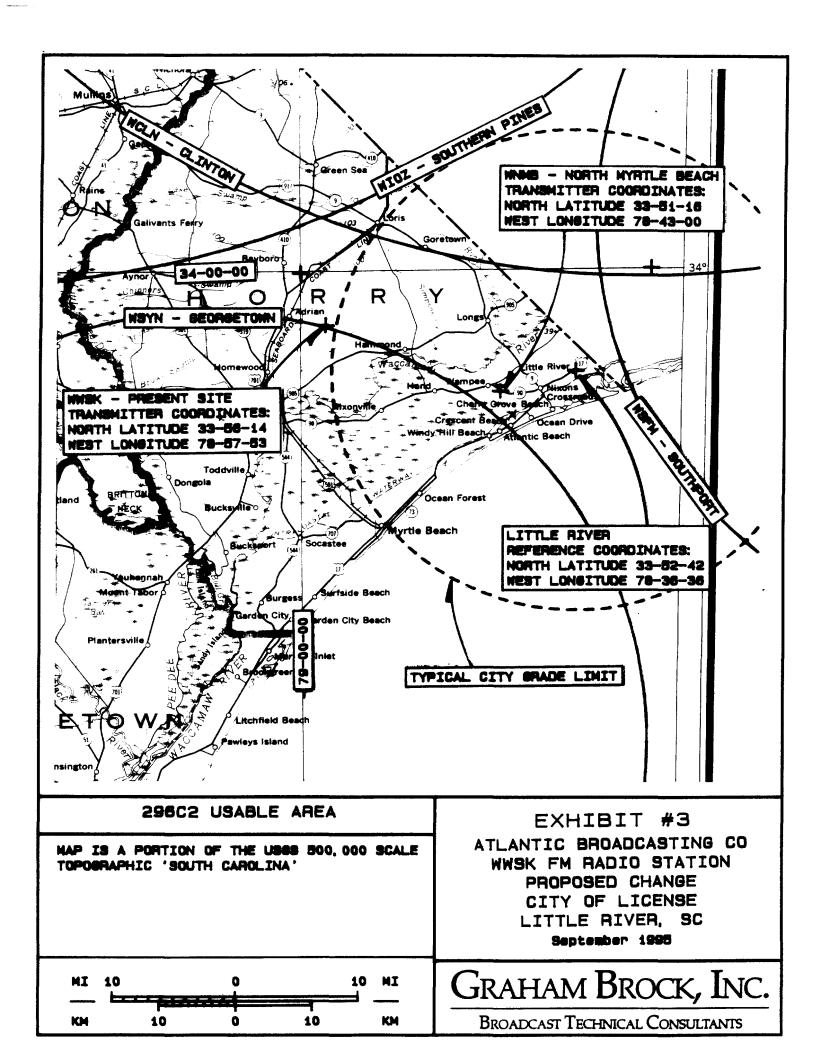
# PROPOSED RULE MAKING ATLANTIC BROADCASTING COMPANY WWSK FM RADIO STATION 296C2 - 107.1 MHZ from: MULLINS, SOUTH CAROLINA

to: LITTLE RIVER, SOUTH CAROLINA
September 1995

#### EXHIBIT #2

#### WNMB Transmitter Site Allocation Clearance

REFERENCE 33 51 16 N 78 43 00 W	CLASS C2 Current rules spac CHANNEL 296 -107.	cings MHz	DISP DATA SEARC	LAY DATES 09-01-95 H 09-25-95
CALL CH# CITY TYPE LAT LNC	g pwr	HT D-Mi	R-Mi	(KM)
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WSFM 298C2 Southpor LI CN 34 03 02 77 Sea-Comm, Inc	57 20 32.000 kW	72.5 73.6 181M 45.8 BLH890	36.0	
WCLNFM 297C3 Clinton LI CN 35 02 14 78 Christian List		138M 82.5	72.7	
WLGX.C 294A Carolina CP ZCN 34 03 02 77 Kenneth R. Nol		104M 45.8	34.2	
WIOZFM 295C2 Southers LI CN 35 09 04 79 Muirfield Broa		150M 99.4	80.8	



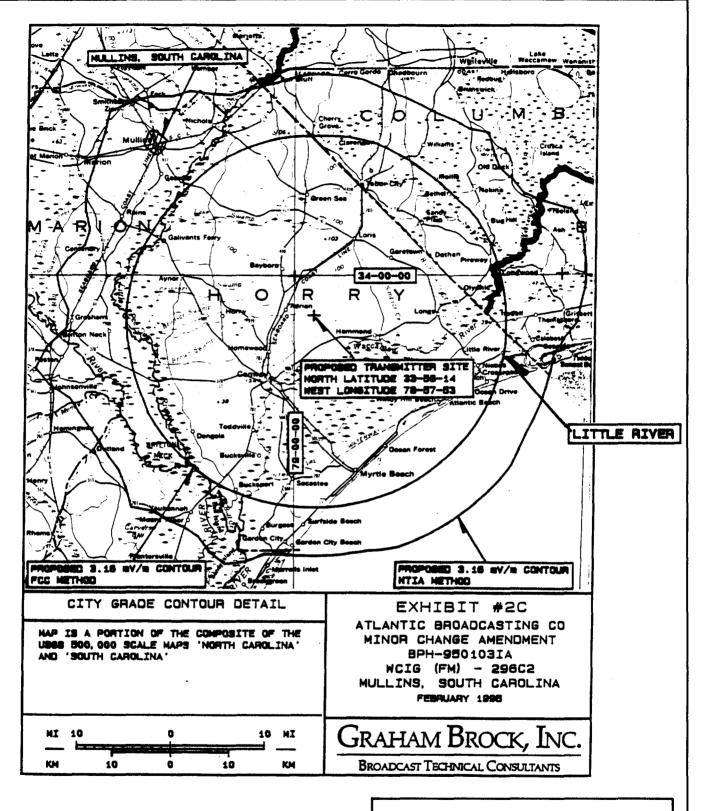
### PROPOSED RULE MAKING ATLANTIC BROADCASTING COMPANY WWSK FM RADIO STATION 296C2 - 107.1 MHZ

#### from: MULLINS, SOUTH CAROLINA to: LITTLE RIVER, SOUTH CAROLINA September 1995

#### EXHIBIT #4

#### **Present Site Allocation Clearance**

REFERENCE			DIS	PLAY DATES
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CALL CH# CITY TYPE LAT LNC	3	STATE BEAR PWR HT	D-KM R-KM D-Mi R-Mi	MARGIN (KM)
WWSK.C 296C2 Mullins CP CN 33 56 14 78	57 53 50.00	SC 0.0	0.00 190.0 0.0 118.1	-190.00 *
The Mullins & >One-Step Application		cas	BPH950103IA	961005
WSYN 293C2 Georgeto	08 11 50.00	00 kW 150M	35.8 36.0	-0.48 *
Sunny Broadcas >FROM CHANNEL 292 PER	sters, Inc. R D86-371-ORG	FILE NO. 8	BLH880726KA 80107IF	
WCLNFM 297C3 Clinton LI CN 35 02 14 78 Christian List	29 56 13.00	00 kw 138M	129.31 117.0 80.4 72.7 BLH940801KE	
WIOZFM 295C2 Southern LI CN 35 09 04 79 Muirfield Broa	n Pines 28 40 50.00	NC 341.0	142.65 130.0 88.7 80.8	12.65
WRHM 296A Lancaste LI ZCN 34 48 05 80 Our Three Sons	er 47 51 3.30	SC 300.3	193.94 166.0 1 120.5 103.2	27.94
WVSZ.C 297A Chesters	field 05 45 3.00	SC 310.3	135.56 106.0 84.3 65.9	
D, D, & D Broad WSFM 298C2 Southport LI CN 34 03 02 77 Sea-Comm, Inc	rt 57 20 32.00	NC 82.0	94.08 58.0 58.5 36.0	36.08



MAP TAKEN FROM THE MOST RECENT WWSK (FORMERLY WGIS) APPLICATION DEMONSTRATING CITY GRADE CONTOUR DETAIL EXHIBIT #5

ATLANTIC BROADCASTING CO

WWSK FM RADIO STATION

PROPOSED CHANGE

CITY OF LICENSE

LITTLE RIVER, SC

September 1995

#### AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

State of Georgia	)
St. Simons Island	) ss.
County of Glynn	)

R. STUART GRAHAM, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Atlantic Broadcasting Company, licensee of Radio Station WWSK, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He is a graduate of Auburn University and has been active in Broadcast Engineering since 1972.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 25th day of September, 1995.

R. Stuart Graham, Jr.

Affiant

Sworn to and subscribed before me this the 25th day of September, 1995

Notary Public, State of Georgia

My Commission Expires: September 12, 1999

#### **EXHIBIT 2**



Harold Miller WJMX PO Box 103000 Florence, SC 29501

September 19, 1995

Dear Mr. Miller;

Enclosed please find information regarding the area of Little River. Presently, Little River is an unincorporated area, however efforts are underway to incorporate. As you can see from the enclosed information, Little River is an active, and growing community which would be serviced well with a broadcast signal.

Atlantic Broadcasting is a well respected company on the Grand Strand and if your pursuits should enable you to start a new broadcast signal here, the Little River Chamber of Commerce will support your efforts.

Mr. Miller, should you require more information, don't hesitate to call.

Sincerely,

Cathy Altman

Executive Director

#### **EXHIBIT 3**



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#### WEATHER

#### **Hurricane Safety**

Hurricane Watch means a hurricane may threaten an area within 24 hour Hurricane Watch is a first alert for emergency forces and the general public prospectively threatened areas. When your area is under a Hurricane Watch should continue normal activities, but stay tuned to radio or television a Weather Service advisories.

Hurricane Warning becomes part of advisories when a hurricane is ento strike an area within 24 hours. Advisories containing hurricane warnings an assessment of flood danger in coastal and inland areas, small craft warnings warnings for the storm's periphery, estimated storm effects and recomme emergency procedures. A hurricane causes sea level to rise above normal heights, with giant wind-driven waves and strong, unpredictable currents poses the storm's worst dangers.

Enter the hurricane season (June - November) prepared with inventory bear tools, batteries, non-perishable foods, bottled water and other emergency equipment

#### What To Do In A Hurricane Warning

- Leave low-lying areas.
- ✓ Moor your boat securely or evacuate it.
- Protect your windows with boards, shutters or tape.
- Secure outdoor objects or bring them indoors.
- Fuel your car.
- / Save several days' water supply.
- Stay at home if it is a sturdy and substantial shelter.
- Leave mobile homes for more substantial shelter.

- ✓ Stay indoors during the humicas
- ✓ Listen for Weather Service hurricane bulletins.
- Know the elevation of your proper above mean sea level
- ✓ Have a safe evacuation route planned.
- Learn the storm surge history in your area.

You will not be asked to leave your liven unless your life is seriously threatmen.
When you receive word to evacute, G

#### What To Do After A Hurricane

- Seek necessary medical care at Red Cross Disaster stations or hospitals.
- Stay out of disaster areas. Unless you are qualified to help, your presence might hamper first-aid and rescue work.
- Drive carefully when travelling along debris-filled streets. Roads may be undermined and may collapse under the weight of a car.
- / Awaid lance or dangling wires

- your power company or the at law enforcement officer.
- Report broken sewer or w
- Prevent fires. Low water purmay make fire fighting different
- Check refrigerated food for an if power has been off during storm.
- ✓ Remember that hurricases ing inland can cause several ing. Stay away from river

# LITTLE RIVER CHAMBER OF COMMERCE DIRECTORY

Materially Ventures, inc., 1940	Thermood Mel and Francisco (and the control of the	TOWER ABOUT. 01 TRIES (Surveyore) 18905	THE E-PERCENT FOR THE BEST HAY 17 S. N. B	Form Printings Development Corp., 720 Huly 17	Land is Ellis Ready, 1575 Pary 17	EPS Promism Properties, 1614 Hay 17 S. NAIS (809) 272-7233	Talle Development Corp., 1489 Healy Sands	Chicara Development Esoport	7	Careff Homes, 2009-14sy, 17	Abories Proposite, 1735 Pay 17	REAL STATE & DEVILOPMENT	Whitely & Transp Club, Food Lian Shappung Conter 9001 885/57:	Community Hospital, 1986 Sapriel St., Lanc	- Late Parat Smet & Francis, 160 lbsy 175 year 38-8544	Lette River Denies Americ. P.A.: 5247 Yany 57 (863) 249-4032	Little River Chimpianache, 1549 Hay 17	Little Privar Veterinary Clinic, 1218 Hury 17	Little Rever Medical Corner, excelled Oak Drive (300) 245, 3424	Labord Chiropractic, 1625-F Phys. 17	Interim Healthcare, 1705 Cal St., Sure 8, MB	Carolina Care of Latte River, 125 Bathrin Ave	Abantic Physical Therapy, 965 Hay 17, Nuel	HEALTH A FTINESSMEDICAL SERVICES	Pinehurst Buildess, 19239 Beach Dr. SW, Cabbach (\$10) 579-3121	Jerry Thompson Construction Co., 16 95my 59 E (800) 559-3115	Hardre Constactor, 3456 C Sea Mountain Phys., (809) 249-3511	Cardina Services, 1000 (1th Ans. N., Unil 122, NA/8)	Bob Maddan Electrical Commanders, 2407 Arpent Bird., New B., gasty 272-6117	Blanton Supplies of Little Piver, 1989 Havy 17	BUILDING SUPPLIES & CONTRACTORS	See Sand & See Aire Motel, Crescent Beach (803) 2/2-4805	Warecla Model, 1505 they 17	Lake Shore Motel, MASI Play 17	ACCOMMODATIONS
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The River Beauty Saion, 4175	Magger's Estate Gardens: 1505 Hery 17 15 9051 249-4821
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. Better Chainess Sures, 1887	Piver Hits God & Country Club
Dell South Mathin, 1927-29.	Lucky 7, 1688 744y 17 N
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BB&T Blank, Hwy 17	Humicare Fishing Red
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Anchor Burk, 1380 Hay 17	Carding Gold Extensionant Info
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SERVICES	RECREATIONAL

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LITTLE RIVER INN AT BAY TREE

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Littlefeld Woody 385-35th Av NLittlefelm Charles H 1810 Hillside Dr S	249-3034 361-1074
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Littleten Robert L. 3200 Sentee Dr Littleten Robert & Margaret 2706 Grove Ln.	453 -2540
Little Waller Waterway Mrp	<b>243-34</b> 27
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Litts-Jeck 1337 Shipwatch Way	626-9287
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1551 21st Av N Myrtle Bch	449-9000
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#### EXHIBIT 4